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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,816	03/05/2002	Masamichi Akashi	03500.016251.	3000
5514 7590 11/17/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HUNTSINGER, PETER K				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
11/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/087,816

**Applicant(s)**

AKASHI, MASAMICHI

**Examiner**

Peter K. Huntsinger

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 18, 22 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 18, 22 and 38-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/19/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 9/19/08 have been fully considered but they are not persuasive.

The applicant argues on pages 15 and 16 of the response in essence that: Fan '706 does not disclose newly allocating a port for a requested data process included in a request received from a first computer and not allocated to external computers other than the first computer, to the first computer.

a. Fan '706 discloses dynamically opening new channels when a side/data channel is required (col. 7-8, lines 61-67, 1-10) (col. 11, lines 36-53). The dynamic assigning of port numbers are explained as using a different port number for each session (col. 2, lines 1-3).

The applicant argues on pages 15 and 16 of the response in essence that:

Fan '706 does not disclose associating discrimination information of the first computer and a port number of the allocated port to form connection limitation information, and registering the formed connection limitation information into a connection limitation table stored in a storage unit of the printer.

- b. Fan '706 discloses adding new ACL items including the IP source address and destination port to ensure return traffic (col. 8, lines 32-59) (col. 11, lines 28-35). The connection limitation information is stored in an Access Control List (col. 5, lines 16-21).

The applicant argues on pages 15 and 16 of the response in essence that:  
Fan '706 does not disclose controlling, based on the formed/registered connection limitation information, to execute the requested data process based on received data in a case where a external apparatus transmitting the received data is the first computer, and not to execute the requested data process based on the received data in a case where the external apparatus is an apparatus other than the first computer.

- c. Fan '706 discloses processing a packet according to which TCP destination ports are allowed for an IP source address according to the ACL (col. 10, lines 1-9) (col. 8, lines 32-59). A packet is dropped if it is not specified by the ACL (step 408 of Fig. 7, col. 9, lines 32-39) (col. 8, lines 32-59).

***Response to Amendment***

3. The applicant has not traversed the examiner's assertion of official notice for the assertions provided in claims 40, 43, and 46. Therefore, the common knowledge or well-known in the art statement is taken to be admitted prior art.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 18, 22, 38, 39, 41, 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan '706 in view of Yonenaga '872 and Kayashima '366.

Referring to **claim 8**, Fan '706 discloses a data processing apparatus (col. 5, lines 5-8, firewall may be implemented on a personal computer) which communicates with a computer via a network, said data processing apparatus, comprising:

a storage unit that stores therein a connection limitation table including connection limitation information (col. 5, lines 16-21, Access Control List) in which discrimination information of a computer and a port number are associated with each other (col. 8, lines 49-59, specifies the address of communicating hosts and the port numbers they communicate with);

a reception unit that receives a request transmitted from a first computer via the network, wherein the request includes a kind of data process as a requested data

process to be executed (col. 3, lines 9-16, receiving a packet and identifying an application associated with the packet);

an allocating unit that newly allocates a port for the requested data process included in the request received by said reception unit and not allocated to external computers other than the first computer, to the first computer (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened) (col. 11, lines 36-53, prepares a new channel when a side/data channel is about to be opened) (col. 2, lines 1-3, dynamic assigning of port numbers are explained as using a different port number for each session);

a registration unit that correlates discrimination information of the first computer (IP source address) and the port number (destination port) of the port allocated by said allocating unit to form connection limitation information (col. 8, lines 32-59, IP source address and destination port compared against an ACL), and registers the formed connection limitation information into the connection limitation table stored in said storage unit (col. 11, lines 28-35, adding new ACL items to ensure return traffic);

a data receiving unit that receives data addressed to the port, allocated by said allocating unit, from an external apparatus (col. 7, lines 41-51, allow packet transmission); and

a control unit that controls, based on the formed connection limitation information registered by said registration unit, to execute the requested data process based on the data received by said data receiving unit in a case where the external apparatus is the first computer (col. 10, lines 1-9, processes the packet) (col. 8, lines 32-59, ACL

specifies which TCP destination ports are allowed for an IP source address), and not to execute the requested data process based on the data received by said data receiving unit in a case where the external apparatus is an apparatus other than the first computer (step 408 of Fig. 7, col. 9, lines 32-39, packet is dropped) (col. 8, lines 32-59, ACL specifies which TCP destination ports are allowed for an IP source address).

Fan '706 does not disclose expressly that the data processing apparatus is a printing apparatus.

Yonenaga '872 discloses a data processing apparatus is a printing apparatus (col. 4-5, lines 60-67, 1-17, information processing apparatus includes print subunit 24).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to incorporate a printer into a computer. The motivation for doing so would have been to allow portability of a printing device.

Fan '706 does not disclose expressly a port number notifying unit.

Kayashima '366 discloses a port number notifying unit that notifies a first computer of a port number, the port number allocated by said allocating unit (col. 10, lines 44-46, server notifies the port number to the client computer).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to notifying a computer of a port number. The motivation for doing so would have been to inform the computer sending information a port number in which to utilize for communication. Therefore, it would have been obvious to combine Yonenaga '872 and Kayashima '366 with Fan '706 to obtain the invention as specified in claim 8.

Referring to **claim 18**, see the rejection of claim 8 above.

Referring to **claim 22**, see the rejection of claim 8 above.

Referring to **claim 38**, Fan '706 discloses a discriminating unit that discriminates whether or not to permit communication with the first computer (col. 8, lines 32-59, IP source address and destination port compared against an ACL),

allocating by said the allocating unit in a case where said discriminating unit discriminates to permit the communication with the first computer (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened) (col. 8, lines 10-24, the policy may protect the network from all uninvited sessions initiated externally).

Kayashima '366 discloses a port number notifying unit that notifies a first computer of a port number (col. 10, lines 44-46, server notifies the port number to the client computer).

Referring to **claim 39**, Fan '706 discloses wherein the discrimination information of the computer included in the connection limitation information stored in the connection limitation table is an IP address of the first apparatus (col. 8, lines 32-59, IP source address and IP destination address).

Referring to **claim 41**, see the rejection of claim 38 above.

Referring to **claim 42**, see the rejection of claim 39 above.

Referring to **claim 44**, see the rejection of claim 38 above.

Referring to **claim 45**, see the rejection of claim 39 above.



6. Claims 40, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan '706, Yonenaga '872 and Kayashima '366 as applied to claims 8, 18, and 22 above, and in further view of well known prior art.

Referring to **claim 40**, Fan '706 discloses allocation of a plurality of different port numbers but does not disclose expressly notifying a port number corresponding to a print process or a port number corresponding to a managing process.

Official Notice is taken that it is well known and obvious in the art for a port number to correspond to a printing process and for a port number to correspond to a managing process (See MPEP 2144.03).

At the time of the invention, it would have been obvious for the system of Fan '706 to notifying the external apparatus (as taught by Kayashima '366) a printing port number or a managing port number. The motivation for doing so would have been to designate certain port number to certain applications. Therefore, it would have been obvious to combine well known prior art with Fan '706 and Kayashima '366 to obtain the invention as specified in claim 40.

Referring to **claim 43**, see the rejection of claim 40 above

Referring to **claim 46**, see the rejection of claim 40 above.

#### **DETAILED ACTION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625